

REMARKS

Claims 1, 9, 10, and 15 have been amended. Claims 25-42 have been added. Claims 6 and 8 have been canceled. Thus, Claims 1-5, 7, 9-42 are pending in this application.

I. Claim Rejection under 35 U.S.C. §102

The Examiner rejected claims 1-3, and 5 under 35 U.S.C. §102(b) as being anticipated by Hamilton. The Examiner rejected claims 1- 5 under 35 U.S.C. §102(b) as being anticipated by Heinrich. The Examiner rejected claims 1-5, and 18 under 35 U.S.C. §102(b) as being anticipated by Tipper. The Examiner rejected claims 1- 5, 18, 19, 22, 23, and 24 under 35 U.S.C. §102(b) as being anticipated by Jacobson. Applicant amended independent claim 1 to include the limitations of former independent claim 1 and dependent claims 6 and 8. Applicant, thus, believes that the above mentioned references do not anticipate the amended independent claim 1.

The Examiner rejected claims 1-8, 18, 19, and 20 under 35 U.S.C. §102(b) as being anticipated by Malagnoux. The Examiner rejected claims 1-8, and 10-12 under 35 U.S.C. §102(b) as being anticipated by Schiffmann. The Examiner rejected claims 1-8, 18-20, 22 and 23 under 35 U.S.C. §102(b) as being anticipated by Gayter. All three references disclose clamping tools which do not comprise the mechanism as claimed. For example, the moving member 7 in the Malagnoux device and the moving member 5b in the Gayter device are not connected with an anvil because the anvil in these embodiments can be freely slid with respect to the body. Furthermore, all three devices of Malagnoux, Schiffmann, and Gayter do not show a cooperating formation, such as a gear system, between the moving member and the handles. The Schiffmann device only provides for a gear system which coordinates the movement between the handles. Thus, these devices do not show an actuation mechanism wherein both handles and the moving member have co-operating and contacting formations. Applicant therefore believes that the present claim 1 is allowable.

The dependent claims 2-5, 7, and 9-24 include all the limitations of independent claim 1 and are thus allowable at least to the extent of independent claim 1.

The Examiner indicated that claims 13-17 would be allowable if rewritten in independent form. Applicant thanks the Examiner for allowing these claims. Applicant, therefore, added new claims 25-42. Independent claim 25 includes all the limitations of former claims 1, 6, 7, 8, 10, 11, and 13 which was indicated allowable. Claims 26-42 are dependent on independent claim 25.

SUMMARY

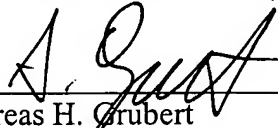
In light of the above remarks, reconsideration and withdrawal of the outstanding rejection is respectfully requested. It is further submitted that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the agent of record by telephone or facsimile.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 075200.0101.

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Respectfully submitted,

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